THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23375 OF 2005

DATED:31.10.2005

Between:

Palem Venkatrao

…Petitioner

And

The Mandal Revenue Officer

Chintha Kommudinne Mandal

Chintha Kommudinne Village

Kadapa and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23375 OF 2005

ORDER:

The petitioner assails the endorsement dt.29.8.2005 of the Mandal Revenue Officer, Chintha Kommudinne Mandal whereby and whereunder the petitioner was advised to approach the Civil Court for declaration of title or declaration of better title in comparison with the title of the second respondent. The petitioner alleges that his grand-father purchased property admeasuring Acs.1.28 in S.No.862/5 of Chintha Kommadinne Village in 1913, and after death of his grand-father, petitioner's father, and after his death, petitioner have been regularly in possession of the property. He also alleges that in 2003 he came to know that second respondent executed sale deed in favour of third respondent in respect of same land on 3.12.2003. The petitioner therefore presented an application to the first respondent to enquire into the matter and cancel the entries in the revenue records, which stand in the name of

second respondent. In response to the same, the impugned endorsement is issued.

Even according to the petitioner, second respondent has already executed sale deed in favour of third respondent claiming to be absolute owner of the land. The petitioner is setting up rival title by reason of the sale deed dt.14.10.1913 under which the petitioner's grand-father purchased the property. Therefore, the action of the first respondent in advising the petitioner to settle the dispute in Civil Court is unexceptionable. Be it noted that when there is a title dispute between the parties, the appropriate remedy is to approach Civil Court and not revenue authorities.

The Writ Petition is dismissed with an observation that it shall be open to the petitioner to approach the Civil Court and file a suit in which event the Civil Court shall decide the matter without being influenced by the dismissal of the Writ Petition or by any of the observations made hereinabove.

_____

31.10.2005 (V.V.S.RAO, J)

bnr